

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE ENROLLED ACT No. 1977

AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 34-6-2-46.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 46.5. "Fire control or protection equipment", for purposes of IC 34-30-10.5, includes vehicles, firefighting tools, protective gear, breathing apparatuses, and other supplies, equipment, and tools used in firefighting or emergency rescue.**

SECTION 2. IC 34-6-2-103 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 103. (a) "Person", for purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

(b) "Person", for purposes of IC 34-19-2, has the meaning set forth in IC 35-41-1.

(c) "Person", for purposes of IC 34-24-4, means:

- (1) an individual;
- (2) a governmental entity;
- (3) a corporation;
- (4) a firm;
- (5) a trust;
- (6) a partnership; or
- (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(d) "Person", for purposes of IC 34-26-2, includes individuals at

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least eighteen (18) years of age and emancipated minors.

(e) "Person", for purposes of IC 34-26-4, has the meaning set forth in IC 35-41-1-22.

(f) "Person", for purposes of IC 34-30-5, means any of the following:

- (1) An individual.
- (2) A corporation.
- (3) A partnership.
- (4) An unincorporated association.
- (5) The state (as defined in IC 34-6-2-140).
- (6) A political subdivision (as defined in IC 34-6-2-110).
- (7) Any other entity recognized by law.

(g) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:

- (1) has qualifications or experience in:
 - (A) storing, transporting, or handling a hazardous substance or compressed gas;
 - (B) fighting fires;
 - (C) emergency rescue; or
 - (D) first aid care; or
- (2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.

(h) "Person", for purposes of IC 34-30-18, includes:

- (1) an individual;
- (2) an incorporated or unincorporated organization or association;
- (3) the state of Indiana;
- (4) a political subdivision (as defined in IC 36-1-2-13);
- (5) an agency of the state or a political subdivision; or
- (6) a group of such persons acting in concert.

(i) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

(j) "Person" for purposes of IC 34-30-10.5, means the following:

- (1) A political subdivision (as defined in IC 36-1-2-13).**
- (2) A volunteer fire department (as defined in IC 36-8-12-2).**
- (3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.**
- (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.**

SECTION 3. IC 34-30-10.5 IS ADDED TO THE INDIANA CODE

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AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 10.5. Governmental Entities: Immunity for Donations of Equipment to Fire Departments

Sec. 1. Subject to section 2 of this chapter, a person is immune from civil liability for personal injury, property damage, or death resulting from a defect in fire control or fire protection equipment donated in good faith by the person to a volunteer fire department (as defined in IC 36-8-12-2) or the fire department of a political subdivision, unless the person's act or omission that proximately caused injury, damage, or death constitutes gross negligence or willful, wanton, or intentional misconduct.

Sec. 2. Section 1 of this chapter provides immunity to a person who donates a breathing apparatus only if:

- (1) the breathing apparatus is recertified to manufacturer's specifications before it is donated; or**
- (2) the person notifies the donee, at the time of the donation, that the breathing apparatus has not been recertified to manufacturer's specifications.**

SECTION 4. [EFFECTIVE JULY 1, 2001] IC 34-30-10.5, as added by this act, applies only to donations made after June 30, 2001.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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